

ORDERED.

**Dated: August 17, 2021**



Catherine Peek McEwen  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
www.flmb.uscourts.gov

In re

Case No. 8:20-bk-07637-CPM

Faith Elyzabeth Antonio.

Chapter 7

Debtor.

\_\_\_\_\_/

DPG Products, Inc.  
d/b/a Numeric Racing,

Plaintiff,

v.

Adv. Proc. No. 8:20-ap-00537-CPM

Faith Elyzabeth Antonio,

Defendant.

**SUPPLEMENTAL ORDER**  
**ON MOTION TO COMPEL DEPOSITIONS**

THIS PROCEEDING came on for hearing on July 21, 2021, for consideration of the Plaintiff's Expedited Motion to Compel Deposition (Doc. No. 164). The complaint seeks denial of the Defendant's discharge and a determination that certain debts allegedly owed by the pro se Defendant, Faith Antonio, to the Plaintiff, DGP Products, Inc. ("DGP"), are not subject to

discharge. For the past six months, the parties have been embroiled in multiple discovery disputes, necessitating an inordinate amount of court time to resolve them. In the interest of judicial economy and to permit immediate attention to disagreements about the conduct of the depositions, the Court entered an order directing court-supervised depositions. *See* Order: 1) Granting Expedited Motion to Compel Deposition and 2) Scheduling Depositions for Antonio and Others (Doc. No. 198), a copy of which is attached.

Ms. Antonio and one of the deponents, Daniel Geberth (the principal of the DGP), are also parties to state court litigation involving allegations of domestic violence and/or stalking. The Court recently learned that the state court has entered an Order for No Contact with Victim (the “No Contact Order”), which, among other things, prohibits Mr. Geberth from being within 500 feet of Ms. Antonio. This Court contacted the judge presiding over the state court litigation to discuss how this Court might allow the depositions here to go forward while still respecting the No Contact Order to the extent possible.<sup>1</sup> Following that conversation, and given the terms of the No Contact Order and the potential for animosity between the parties, the Court finds that additional conditions to taking the depositions are warranted, including the presence of a court-appointed expert to serve as a neutral observer (an “Observer”) during each deposition. The Observer(s) will assist the Court in the supervision of the depositions in the manner described below.

Further, given the increase in COVID-19 cases arising from the Delta variant, a bigger venue to allow for better social distancing is required.

According, it is

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<sup>1</sup> The state court’s No Contact Order permits contact during pre-trial discovery in that case. So, the same exception shall apply here.

**ORDERED:**

1. The Court appoints for each of the following depositions an attorney from the law firm of Stichter, Riedel, Blain & Postler, P.A. to be present and serve as an Observer:

(a) Deposition of Faith Antonio scheduled from 1:30 to 5:00 p.m. on August 19, 2021.

(b) Deposition of Faith Antonio scheduled from 1:30 to 5:00 p.m. on August 20, 2021.

(c) Deposition of Aspen Geberth scheduled from 11:00 a.m. to 2:00 p.m. on August 23, 2021.

(d) Deposition of Daniel Geberth scheduled from 2:00 to 5:00 p.m.<sup>2</sup> on August 23, 2021.

2. The functions of the Observer(s) are (i) to assist the Court by ensuring proper decorum during the depositions, (ii) to propose solutions to procedural disputes arising during the depositions (e.g., refusal to answer), and (iii) if the need arises for an informal discovery dispute conference involving Judge Michael G. Williamson (on August 19 and 20, 2021) or myself (on August 23, 2021), the Observer(s) may summarize the dispute for the judge in the presence of the parties. These court-appointed experts enjoy quasi-judicial immunity while acting within the scope of authority granted by this order.<sup>3</sup>

3. The Court hereby authorizes the attorneys from Stichter, Riedel, Blain & Postler, P.A. who will serve as Observers to bring into the courthouse their laptop computers, tablets, iPads, and smart phones on the dates and times set forth above so that they may work on their own legal matters.

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<sup>2</sup> N.B.: This is a different end time from that in the Court's August 2, 2021 order. The end time has been changed at the request of the Court Security Officers.

<sup>3</sup> See, e.g. *Property Mgmt. & Investments, Inc. v. Lewis*, 752 F.2d 599, 603 (11th Cir. 1985) (court-appointed receiver entitled to immunity where complaint failed to show receiver acted outside authority granted to him by the appointing judge); *Walther v. McIntosh*, 2013 WL 4028189 (M.D. Fla. Aug. 7, 2013) (impartial attorney appointed by court as temporary co-trustee of life insurance trust entitled to derived judicial immunity) and cases cited therein; *Survivor v. Our Kids of Miami-Dade/Monroe, Inc.*, 2013 WL 12094395 (S.D. Fla. Oct. 29, 2013) (court-appointed guardian ad litem entitled to quasi-judicial immunity).

4. The deposition of Faith Antonio will be taken in the well of Courtroom 8B. She will be seated in the witness box. The Observer will sit to her right at the counsel table, at least six feet away. Mr. Geberth and DGP's counsel will sit at the counsel table across from the witness stand. The depositions of Daniel Geberth and Aspen Geberth will be taken in the Training Room on the fifth floor of the courthouse. The deponent will be seated at one of the two tables at the front of the room. The Observer will sit at the other front table. Ms. Antonio will be seated across from the deponent at a table that is at least six feet away. The Court Reporter may sit anywhere where she or he feels comfortable (including the court reporter station in Courtroom 8B), but at least six feet away from others.

5. The parties shall comply with the July 30, 2021, order of the United States District Court for the Middle District of Florida concerning entry into and movement about the courthouse, except that I suspend the obligation to wear a mask while in Courtroom 8B. Go here to view the order: [fmd-covid-order-july-30-2021-3-20-mc-23-j-32.pdf \(uscourts.gov\)](https://uscourts.gov/fmd-covid-order-july-30-2021-3-20-mc-23-j-32.pdf).

The Clerk is directed to serve a copy of this order on the Debtor and on Harley Riedel at Stichter, Riedel, Blain & Postler, P.A., 110 E. Madison Street, #200, Tampa, FL 33602.

ORDERED.

Dated: August 02, 2021



Catherine Peek McEwen  
United States Bankruptcy Judge

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Defendant.

**ORDER: 1) GRANTING EXPEDITED MOTION TO COMPEL  
DEPOSITION AND 2) SCHEDULING DEPOSITIONS FOR ANTONIO AND OTHERS**

THIS PROCEEDING came on for hearing on July 21, 2021, for consideration of the Plaintiff's Expedited Motion to Compel Deposition of Faith Antonio (the "Motion") (Doc. 164). For the reasons stated orally and record in open court that shall constitute the decision of the Court, it is

**ORDERED:**

1. The Motion is GRANTED as stated below.
2. The Plaintiff may depose Faith Antonio on August 19 and 20, 2021, from 1:30 to 5:00 p.m.
3. The Defendant may depose Aspen Geberth on August 23, 2021, from 11:00 a.m. to 2:00 p.m. The Plaintiff has agreed to produce the deponent.
4. The Defendant may depose Daniel Geberth on August 23, 2021, from 2:00 to 5:50 p.m.
5. All depositions scheduled in this order shall be conducted in a conference room outside Courtroom 8B, Sam M. Gibbons U.S. Courthouse, 801 N. Florida Avenue, Tampa, Florida 33602. A court reporter and/or videographer may enter the courthouse with his or her equipment.
6. All parties shall maintain proper, professional decorum while in the courthouse.
7. The Honorable Michael G. Williamson, Bankruptcy Judge, will be available to try to informally resolve any disputes that may arise during the depositions on August 19 and 20, 2021, and the presiding judge will be likewise available for the depositions on August 23, 2021.

The Clerk is directed to serve a copy of this order on the Debtor and the Hon. Michael G. Williamson.